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14 Attorneys for Defendants
15 APEX MATERIALS, LLC, ELKHORN
16 ENVIRONMENTAL, LLC, WERDCO BC,
17 INC., WERDCO LLC, BRENT CONRAD,
18 BRANDON CONRAD, PATRICIA CONRAD, and
19 HARBER COMPANY, INC.

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

15 LANCE D. STUCKEY, JR., Individually and
16 on behalf of all others similarly situated,

17 Plaintiffs,

18 v.

19 APEX MATERIALS, LLC, ELKHORN
20 ENVIRONMENTAL, LLC, WERDCO BC,
21 INC., WERDCO LLC, BRENT CONRAD,
22 BRANDON CONRAD, PATRICIA CONRAD,
23 LAS VEGAS PAVING CORPORATION,
24 TAB CONTRACTORS, INC., WILLIAM
CHARLES CONSTRUCTION COMPANY,
HARBER COMPANY, INC., John Does I to
XX, name fictitious true name and number of
persons being unknown, and XYZ Corporations
I to XX, name fictitious true name of number
of entities being unknown,

25 Defendants.

Case No. 2:22-cv-01964-APG-VCF

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STIPULATION AND ORDER TO
DISMISS ENTIRE ACTION WITH
PREJUDICE

Plaintiff, LANCE D. STUCKEY, JR. ("Plaintiff"), and Defendants, APEX MATERIALS,
LLC, ELKHORN ENVIRONMENTAL, LLC, WERDCO BC, INC., WERDCO LLC, BRENT

1 CONRAD, BRANDON CONRAD, PATRICIA CONRAD (the “Conrad Defendants”), LAS
 2 VEGAS PAVING CORPORATION (“Las Vegas Paving”), TAB CONTRACTORS, INC.
 3 (“TAB”), WILLIAM CHARLES CONSTRUCTION COMPANY (“William Charles”), and
 4 HARBER COMPANY, INC. (“Harber”) (collectively herein “Defendants”) (together, the
 5 “Parties”), by and through their respective undersigned counsel, hereby stipulate and agree to the
 6 dismissal of this action in its entirety, with prejudice, with each Party to bear its own costs and
 7 attorney fees.

8 Plaintiff filed this action against Defendants on November 23, 2022 alleging six causes of
 9 action: (1) failure to pay overtime at the appropriate rate of pay in violation of the Fair Labor
 10 Standards Act (“FLSA”), 29 U.S.C. § 207; (2) failure to pay overtime wages at the appropriate rate
 11 of pay in violation of Nev. Rev. Stat. 608.018; (3) unpaid wages owed under Nev. Rev. Stat.
 12 608.150; (4) unpaid wages owed under Nev. Rev. Stat. 608.135; (5) failure to pay continuation
 13 wages in violation of NRS 608.040-608.050; and (6) failure to pay prevailing wages in violation of
 14 Nev. Rev. Stat. 338.020 to 338.075. **ECF No. 1.**

15 As the matter has been resolved, the Parties desire to dismiss the action in its entirety with
 16 prejudice with the Court retaining jurisdiction solely to enforce the Parties’ confidential settlement
 17 agreement. The Parties agree that no Party shall be deemed to be a prevailing party in this action
 18 and that no Party will file for an award of costs or attorney fees pursuant to any rule, statute or law,
 19 whether local, state or federal, in any forum that would be available.

20 The consideration provided for settlement is memorialized in a confidential settlement
 21 agreement. Since this matter is in the early stages of litigation – *e.g.*, responsive pleadings have not
 22 been filed; the Court has not certified the action as a class action; notice of the action has not been
 23 provided to any putative class members; and no similarly situated employees have opted into the
 24 action – the terms may be provided to the Court for in camera review should the Court so request.

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1 **IT IS SO STIPULATED.**
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4 Dated: May 18, 2023
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6 Respectfully submitted,

7 /s/ Leon Greenberg
8 LEON GREENBERG, ESQ.
9 RUTHANN DEVEREAUX-GONZALEZ,
10 ESQ.
11 LEON GREENBERG PROFESSIONAL
12 CORPORATION

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14 Attorneys for Plaintiff
15 LANCE D. STUCKEY, JR.

16 Dated: May 18, 2023
17
18 Respectfully submitted,

19 /s/ Michael D. Dissinger
20 MONTGOMERY Y. PAEK, ESQ.
21 EMIL S. KIM, ESQ.
22 MICHAEL D. DISSINGER, ESQ.
23 LITTLER MENDELSON, P.C.

24
25 Attorneys for Defendants
26 APEX MATERIALS, LLC, ELKHORN
27 ENVIRONMENTAL, LLC, WERDCO BC,
28 INC., WERDCO LLC, BRENT CONRAD,
1 BRANDON CONRAD, PATRICIA
2 CONRAD, and HARBER COMPANY, INC.

3 Dated: May 18, 2023
4
5 Respectfully submitted,

6 /s/ Lynne K. McChrystal
7 PAUL T. TRIMMER, ESQ.
8 LYNNE K. MCCHRYSTAL, ESQ.
9 JACKSON LEWIS P.C.

10 Attorneys for Defendant
11 WILLIAM CHARLES CONSTRUCTION
12 COMPANY

13 Dated: May 18, 2023
14
15 Respectfully submitted,

16 /s/ Nicole E. Lovelock
17 NICOLE E. LOVELOCK, ESQ.
18 DONNA DIMAGGIO, ESQ.
19 JONES LOVELOCK

20 Attorneys for Defendant
21 TAB CONTRACTORS, INC.

1 Dated: May 18, 2023

2 Respectfully submitted,

3 /s/ Tye S. Hanseen

4 TYE S. HANSEEN, ESQ.
5 MARQUIS AURBACH COFFING

6 Attorneys for Defendant
7 LAS VEGAS PAVING CORPORATION

8 **IT IS SO ORDERED.**

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10 Dated: May 19, 2023

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14 UNITED STATES DISTRICT JUDGE